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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,004	10/19/2001	Yuri Itkis	FORTUNE 01-05.PA	4886

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EXAMINER

MENDOZA, ROBERT J

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 10/23/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,004

Applicant(s)

ITKIS ET AL.

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9, 15-25, 27-33, 35, 37 and 39-53 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 10-14, 26, 34, 36 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, 9, 15-25, 27-33, 35, 37 and 39-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Fisk (USPN 6,280,325).

Regarding claims 1-5, 7, 9, 30-33, 35 and 37, Fisk, in FIGS. 1-11, col. 7:38-67, col. 8:1-67 and col. 9:1-67, discloses a system for playing a game of bingo including a microprocessor, said microprocessor storing a plurality of bingo card patterns and generating statements having informational data thereon and corresponding to one or more of said bingo card patterns and a printer in communication with said microprocessor for printing said generated statements. Fisk, in FIGS. 1-11, col. 7:38-67, col. 8:1-67, col. 9:1-67 and col. 10:1-67, discloses a bingo ball hopper in communication with the microprocessor such that the bingo ball hopper communicates with the microprocessor, and said microprocessor determining whether one or more of the bingo card patterns are winning cards by comparing the stored bingo patterns with each of the numbers generated and storing a status of each card as the numbers are generated, the bingo ball hopper being disabled upon determination of one or more winning cards and notifying the winning participants. Fisk, in FIGS. 1-11, col. 7:38-67, col. 8:1-67, col. 9:1-67 and col. 10:1-67, discloses means to notify the participants of the status of their statements is a monitor, viewable by the

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participants, in communication with the microprocessor. Fisk, in FIGS. 1-11, col. 7:38-67, col. 8:1-67, col. 9:1-67 and col. 10:1-67, discloses the microprocessor comprises a computer network having one or more point of sale terminals. Fisk, in FIGS. 1-11, col. 7:38-67, col. 8:1-67, col. 9:1-67, col. 10:1-67 and col. 11:1-67, discloses the monitor displays a statement identification code corresponding to the best bingo card.

Regarding claims 15-25, 27-29 and 39-53, Fisk, in FIGS. 1-11, col. 7:38-67, col. 8:1-67, col. 9:1-67, col. 10:1-67 and col. 11:1-67, discloses determining of one or more winning bingo cards, the microprocessor further determined a prize associated therewith. Fisk in FIGS. 1-11, col. 7:38-67, col. 8:1-67, col. 9:1-67, col. 10:1-67 and col. 11:1-67, discloses a session of bingo games, the session comprising at least two bingo games in sequence, upon the occurrence of one or more predetermined events, the occurrence enabling the bingo ball hopper wherein the predestined event is a completion of a previous bingo game, start of a new game and a predetermined number of sales of bingo cards for a new game. Fisk, in FIGS. 1-11, col. 7:38-67, col. 8:1-67, col. 9:1-67, col. 10:1-67 and col. 11:1-67, discloses the microprocessor validates the statements upon presentation by comparing an identification code, verification code, player tracking number, player name and a barcode corresponding to the statements with the information printed on the statements. Fisk, in FIGS. 1-11, col. 7:38-67, col. 8:1-67, col. 9:1-67, col. 10:1-67 and col. 11:1-67, discloses a cashier terminal in communication with the microprocessor, the cashier terminal including a monitor for displaying an outcome corresponding to the printed statements. Fisk, in FIGS. 1-11, col. 7:38-67, col. 8:1-67, col. 9:1-67, col. 10:1-67, col. 11:1-67 and col. 12:1-67, discloses the microprocessor scans the identification and verification codes printed on the statements to retrieve the results of the bingo

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cards corresponding to the statements. Fisk, in FIGS. 1-11, col. 7:38-67, col. 8:1-67, col. 9:1-67, col. 10:1-67, col. 11:1-67 and col. 12:1-67, discloses an operator may override the microprocessor and manually enter the identification and verification codes.

Response to Arguments

Applicant's arguments with respect to claims 1-53 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 6, 8, 10-14, 26, 34, 36 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached at (703) 308-1327. The USPTO official fax number is (703) 872-9306.

RM

RM
May 5, 2004



Teresa Walberg
Supervisory Patent Examiner
Group 3700